

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (Currently amended) An apparatus for [[a]] moving a toy appendage, the apparatus comprising:

a moveable device within a toy appendage that is attached to a body of a toy, the moveable device including an elongated device extending from the toy body; and

an actuator including a lever mounted to a drive shaft that rotates about a drive axis, the drive axis being fixed relative to the toy body, the lever connected to the elongated device of the moveable device to rotate the moveable device about [[a]] the drive axis that is fixed relative to the body of the toy and to rotate at least a first portion of the moveable device relative to at least a second portion of the moveable device about a device axis that is fixed relative to the moveable device as the drive shaft rotates the lever about the drive axis.

2. (Currently amended) The apparatus of claim 1 in which the actuator comprises[[:]]

a motor; and

[[a]] wherein the drive shaft is connected to the motor and to the moveable device lever, the drive shaft defining the drive axis.

3. (Cancelled)

4. (Currently amended) The apparatus of claim [[2]] 1 in which the actuator comprises a lever is coupled to the at least first portion of the moveable device.

5. (Cancelled)

6. (Currently amended) The apparatus of claim [[5]] 1 in which the moveable device comprises:

a flexible strip;

a plate positioned in the at least first portion of the moveable device, with the plate being transversely connected to the flexible strip; and

an elongated device that intersects the plate.

7. (Original) The apparatus of claim 6 in which the lever is connected to the elongated device such that when the drive shaft rotates the lever, the lever actuates the elongated device to exert a tension on the plate, thus rotating the at least first portion of the moveable device relative to the second portion.

8. (Currently amended) The apparatus of claim [[2]] 1 in which the motor is configured to rotate the at least first portion relative to the at least second portion in a first device direction about the device axis if the drive shaft is rotated in a first main direction about the drive axis.

9. (Previously presented) The apparatus of claim 8 in which the motor is configured to rotate the at least first portion relative to the at least second portion in a second device direction about the device axis if the drive shaft is rotated in a second main direction about the drive axis;

in which the second device direction is opposite to the first device direction and the second main direction is opposite to the second device direction.

10. (Original) The apparatus of claim 1 in which the at least first portion and the at least second portion are included in the moveable device.

11. (Previously presented) The apparatus of claim 1 in which the drive axis is different from the device axis.

12. (Previously presented) The apparatus of claim 1 in which the actuator is configured to:

rotate the at least first portion relative to the at least second portion in a first device direction about the device axis if the moveable device is rotated in a first main direction about the drive axis; and

rotate the at least first portion relative to the at least second portion in a second device direction about the device axis if the moveable device is rotated in a second main direction about the drive axis.

13. (Currently amended) A method of actuating an appendage attached to a body of a toy, the method comprising:

rotating a lever mounted to a drive shaft about a drive axis that is fixed relative to the body of the toy, the lever being connected to an elongated device that extends along the appendage;

in which rotation of the lever causes rotating the appendage to rotate about [[a]] the drive axis that is fixed relative to the body of the toy; and causes rotating at least a first portion of the appendage to rotate relative to at least a second portion of the appendage about a device axis that is fixed relative to the appendage.

14. (Currently amended) The method of claim 13 in which rotating the appendage lever comprises causing a drive shaft connected to a motor to rotate the appendage lever, the drive shaft defining the drive axis.

15. (Currently amended) The method of claim 13 in which rotating the at least first portion of the appendage relative to the at least second portion of the appendage comprises

~~causing a drive shaft connected to a motor and defining the drive axis to rotate a coupling the lever that is coupled to the at least first portion of the appendage.~~

16. (Previously presented) The method of claim 13 in which rotating the appendage about the drive axis occurs before rotating the at least first portion relative to the at least second portion.

17. (New) The method of claim 13 in which rotating the appendage about the drive axis occurs simultaneously with rotating the at least first portion relative to the at least second portion.

18. (New) An apparatus for a moving a toy appendage, the apparatus comprising: a moveable device within a toy appendage that is attached to a body of a toy, the moveable device including:

a flexible strip,
a plate transversely connected to the flexible strip and positioned within a first portion of the moveable device, and

an elongated device that intersects the plate; and
an actuator coupled to the moveable device to rotate the moveable device about a drive axis, the actuator coupled to the at least first portion of the moveable device to rotate the at least first portion of the moveable device relative to at least a second portion of the moveable device about a device axis that is fixed relative to the moveable device.

19. (New) The apparatus of claim 18 in which the lever is connected to the elongated device such that when the lever is rotated, the lever actuates the elongated device to exert tension on the plate, thus rotating the at least first portion of the moveable device relative to the second portion.

20. (New) An apparatus for moving an appendage of a toy, the apparatus comprising: a moveable device within a toy appendage that is attached to a body of the toy; and an actuator including a motor having a drive shaft configured to rotate about a drive axis and being connected to the moveable device such that as the drive shaft rotates about the drive axis, the actuator causes the moveable device to rotate about an axis that is parallel with the drive axis and causes at least a first portion of the moveable device to rotate relative to at least a second portion of the moveable device about a device axis that is fixed relative to the moveable device.

21. (New) The apparatus of claim 20 in which the actuator causes the moveable device to rotate about the drive axis.

22. (New) The apparatus of claim 20 in which the drive axis is fixed relative to the body of the toy.

23. (New) An apparatus for moving an appendage of a toy, the apparatus comprising: a moveable device within a toy appendage of the toy; and an actuation system coupled to a motor and to the moveable device, the actuation system being constrained to rotate about a single drive axis such that the actuation system causes the moveable device to rotate about an axis that is parallel with the drive axis and causes at least a first portion of the moveable device to rotate relative to at least a second portion of the moveable device about a device axis that is fixed relative to the moveable device.

24. (New) The apparatus of claim 23 in which the drive axis is different from the device axis.

25. (New) The apparatus of claim 23 in which the drive axis is fixed relative to the body of the toy.

SUBSTANCE OF INTERVIEW

The undersigned thanks Examiners Cegielnik and Banks for the interview granted with the undersigned on January 21, 2004. Proposed amendments and new claims were faxed to Examiner Cegielnik on December 30, 2003. During the interview, we discussed the proposed amendments to independent claims 1 and 13 and new claims 19 (now claim 18), 21 (now claim 21), and 24 (now claim 23) in view of U.S. Patent No. 6,458,010 (Yamagishi).

During the interview, applicant argued that Yamagishi failed to describe or suggest a lever mounted to a drive shaft that rotates about a drive axis that is fixed relative to a body of a toy, the lever being connected to the elongated device, as recited in amended claim 1. The Examiners argued that Yamagishi's sliders 63 and 64 are mounted within the spherical gear box 23 and indirectly coupled to the third and fourth gears 43 and 44, which rotate about an axis (the Y axis) that is fixed relative to the body of the toy.

Applicant agreed to amend claim 13 to recite the feature that the lever is mounted to a drive shaft that rotates about the drive axis. This amendment, which conforms to the amendment made to claim 1, is captured in this Reply.

Applicant argued that Yamagishi failed to describe or suggest a moveable device that includes a flexible strip, a plate transversely connected to the flexible strip and positioned within a first portion of the moveable device, and an elongated device that intersects the plate, as recited in new claim 19, which is now new claim 18. The Examiners agreed that Yamagishi was deficient in this manner.

Applicant argued that Yamagishi failed to describe or suggest a moveable device that rotates about an axis that is parallel with a drive axis of a drive shaft of a motor, as recited in new claim 21, which is now new claim 20. The Examiners agreed that Yamagishi was deficient in this manner.

Applicant argued that Yamagishi failed to describe or suggest an actuation system constrained to rotate about a single drive axis such that the actuation system causes the moveable device to rotate about an axis that is parallel with the drive axis and causes at least a first portion of the moveable device to rotate relative to at least a second portion of the moveable device